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7
8 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
9 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**
STATE OF CALIFORNIA

10
11 In the Matter of the Accusation Against:

Case No. 997575

12 **RENE AGUERO, Owner**
13 **COMPUTER INSTITUTE OF**
TECHNOLOGY
14 **11631 Victory Blvd**
North Hollywood, CA 91606
15 **School Code No. 1936371**

ACCUSATION

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Joanne Wenzel (Complainant) brings this Accusation solely in her official capacity as
20 the Deputy Bureau Chief of the Bureau for Private Postsecondary Education, Department of
21 Consumer Affairs.

22 2. On or about February 6, 1998, the Bureau for Private Postsecondary Education
23 (Bureau) issued Approval to Operate No. 1936371 to Rene Aguero, doing business as Computer
24 Institute of Technology (Respondent.) On or about April 20, 2007, the Bureau issued an
25 Approval to Operate an educational program for vocational nursing to Respondent. The Board
26 of Vocational Nursing & Psychiatric Technicians approved the operation of the vocational
27 nursing program on May 14, 2008. The Bureau's approval to operate will expire on January 20,
28 2012, unless renewed.

JURISDICTION

3. This Accusation is brought before the Bureau for Private Postsecondary Education, under the authority of the following laws. All section references are to the Education Code unless otherwise indicated.

4. Section 94899 of the Education Code states:

"If an institution offers an educational program in a profession, occupation, trade, or career field that requires licensure in this state, the institution shall have an educational program approval from the appropriate state licensing agency to conduct that educational program in order that a student who completes the educational program, except as provided in Section 94905, is eligible to sit for any required licensure examination."

5. Section 94932 of the Education Code states:

"The bureau shall determine an institution's compliance with the requirements of this chapter. The bureau shall have the power to require reports that institutions shall file with the bureau in addition to the annual report, to send staff to an institution's sites, and to require documents and responses from an institution to monitor compliance. When the bureau has reason to believe that an institution may be out of compliance, it shall conduct an investigation of the institution. If the bureau determines, after completing an investigation, that an institution has violated any applicable law or regulation, the bureau shall take appropriate action pursuant to this article."

6. Section 94937 of the Education Code states:

"(a) As a consequence of an investigation, and upon a finding that an institution has committed a violation, the bureau may place an institution on probation or may suspend or revoke an institution's approval to operate for:

....

"(2) A material violation or repeated violations of this chapter or regulations adopted pursuant to this chapter that have resulted in harm to students. For purposes of this paragraph, "material violation" includes, but is not limited to, misrepresentation, fraud in the inducement of

1 a contract, and false or misleading claims or advertising, upon which a student reasonably relied
2 in executing an enrollment agreement and that resulted in harm to the student.

3 "(b) The bureau shall adopt regulations, within one year of the enactment of this chapter,
4 governing probation and suspension of an approval to operate.

5 "(c) The bureau may seek reimbursement pursuant to Section 125.3 of the Business and
6 Professions Code.

7 "(d) An institution shall not be required to pay the cost of investigation to more than one
8 agency."

9 7. Business and Professions Code section 125.3 provides, in pertinent part, that the
10 Board/Registrar/Director may request the administrative law judge to direct a licensee found to
11 have committed a violation or violations of the licensing act to pay a sum not to exceed the
12 reasonable costs of the investigation and enforcement of the case.

13 CAUSE FOR DISCIPLINE

14 (Withdrawal of Accreditation)

15 8. Respondent is subject to disciplinary action under section 94937, subdivision (a)(2),
16 in conjunction with section 94899, in that effective September 16, 2010, the Board of Vocational
17 Nursing and Psychiatric Technicians (Board) withdrew approval for Respondent to offer an
18 educational program for vocational nursing by withdrawing Respondent's accreditation of the
19 vocational nursing program and ordering that the Computer Institute of Technology be removed
20 from the Board's list of approved programs.


21 9. The facts and circumstances surrounding the withdrawal of Accreditation are that the
22 Board determined that Respondent was in violation of numerous program requirements,
23 including, but not limited to, its failure: to provide theory and clinical instruction consistent with
24 the approved instructional plan; to notify the Board of Program Director and faculty vacancies; to
25 comply with program administration requirements; and insufficient resources, faculty, clinical
26 facilities, library, staff and support services, physical space, skills laboratory, and equipment to
27 achieve the program's objectives.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Bureau for Private Postsecondary Education issue a decision:

1. Revoking Respondent's Approval to Operate an educational program for Vocational Nursing;
2. Ordering Respondent to pay the Bureau for Private Postsecondary Education the reasonable costs of the investigation and enforcement of this case pursuant to Education Code section 94937 and Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 12/1/11


JOANNE WENZEL
Deputy Bureau Chief
Bureau for Private Postsecondary Education
Department of Consumer Affairs
State of California
Complainant

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